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Tempe City Council  
March 24, 2005

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street  
7:30 p.m.

1. INVOCATION - Councilmember Hutson
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Vice Mayor Mitchell
  - A. Approval of Council Meeting Minutes
    1. Council Executive Session – December 16, 2004; January 6, February 3 and 24, 2005
    2. Council Issue Review Session – February 3 & 24, 2005 [20050324clrkck03.pdf](#)  
[20050324clrkck04.pdf](#)
    3. Council Formal Meeting - February 3 & 24, 2005 [20050324clrkck01.pdf](#)  
[20050324clrkck02.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    4. Aviation Commission – February 8, 2005 [20050324tavco01.pdf](#)
    5. Board of Adjustment – January 26, 2005 [20050324boa01.pdf](#)
    6. Commission on Disability Concerns – January 18, 2005 [20050324dcc01.pdf](#)
    7. Committee for Youth, Families and Community – January 24, 2005  
[20050324yfc01.pdf](#)
    8. Community Special Events Task Force – March 1, 2005 [20050324setf01.pdf](#)
    9. Hearing Officer – March 1 & 15, 2005 [20050324ho01.pdf](#) [20050324ho2.pdf](#)
    10. Historic Preservation Commission – February 3, 2005 [20050324hpc01.pdf](#)
    11. Historical Museum Advisory Board – December 2, 2004 and January 6 & February 3,  
2005 [20050324csjc01.pdf](#) [20050324csjc02.pdf](#) [20050324csjc03.pdf](#)
    12. Human Relations Commission – January 11, 2005 [20050324hrc01.pdf](#)
    13. Merit System Board – January 20, 2005
    14. Municipal Arts Commission – February 9, 2005 [20050324mac01.pdf](#)
    15. Neighborhood Advisory Commission – July 7, 2004, January 5 & February 2, 2005  
[20050324nac03.pdf](#) [20050324nac01.pdf](#) [20050324nac02.pdf](#)
    16. Parks & Recreation Board – February 8, 2005 [20050324csmr01.pdf](#)
    17. Rio Salado Advisory Commission – November 30, 2004 [20050324rsac01.pdf](#)
    18. Youth Advisory Commission – February 15, 2005 [20050324myac01.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- Sister Cities Teacher Delegation
- Diversity Dialogue Participant Acknowledgement
- *Presentation of American Flag from U.S. Air Field in Kandahar, Afghanistan*

##### B. Manager's Announcements

#### 5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

##### A. Miscellaneous Items

19. Request approval of the Report of Claims Paid to be Filed for Audit for the week of February 20, 2005.

**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

20. Request authorization to amend the 2003 agreement between the Downtown Tempe Community (DTC) and the City of Tempe regarding production of the Tempe Festivals of the Arts, the Fantasy of Lights, and the Fantasy on Ice.

**DOCUMENT NAME:** [20050324iakj01.pdf](#) **DOWNTOWN TEMPE  
COMMUNITY, INC. (0109-30) #C2003-207**

21. Request approval of the acceptance of a Fire Act Grant from the Federal Emergency Management Agency (FEMA) to update self-contained breathing apparatus for firefighters.

**COMMENTS:** Grant in the amount of \$256,887.  
**DOCUMENT NAME:** [20050324fdta01.pdf](#) **FIRE/PARAMEDIC SERVICE ADMIN  
(0605-01)**

22. Request approval of the acceptance of the Fire Prevention and Safety Grant from the Federal Emergency Management Agency (FEMA) to increase the life safety and preparedness knowledge of lower income and senior population.

**COMMENTS:** Grant in the amount of \$47,590.

**DOCUMENT NAME:** [20050324fdms01.pdf](#) FIRE/PARAMEDIC SERVICE ADMIN (0605-01)

23. Request approval of the renewal of an Intergovernmental Cooperative Purchasing Agreement between the City of Phoenix, the City of Tempe, and the Regional Public Transportation Authority (RPTA) for five years.

**COMMENTS:** To continue to realize the benefits of cooperative purchasing, lower prices, higher quality products and services, and a reduction in the overall costs of administration for transit projects.

**DOCUMENT NAME:** [20050324fslq04.pdf](#) PURCHASES (1004-01)

24. Request for an Amended Final Subdivision Plat by LDS INSTITUTE at ASU consisting of one lot at 650 East Orange Street.

**COMMENTS:** (The Church of Jesus Christ of Latter Day Saints, property owner) #SBD-2005.38 for an Amended Final Subdivision Plat consisting of one (1) lot on 3.16 net acres.

**DOCUMENT NAME:** [20050324dsd2k07.pdf](#) PLANNED DEVELOPMENT (0406)

25. Request for an Amended Final Subdivision Plat by VALENZUELA RESIDENCE consisting of two lots at 923 South George Drive.

**COMMENTS:** (Jesus & Dominga Valenzuela, property owners) (CC050014) #SBD-2005.37 for an Amended Final Subdivision Plat consisting of two (2) lots on 0.41 net acres.

**DOCUMENT NAME:** [20050324dsd2k06.pdf](#) PLANNED DEVELOPMENT (0406)

26. Request for an Amended Final Subdivision Plat by 5<sup>TH</sup> STREET LOFTS consisting of seven lots at 598 West 5<sup>th</sup> Street.

**COMMENTS:** (Tempe Lofts, LLC, Joseph Lewis, property owner) (CC050010) #SBD-2005.36 for an Amended Final Subdivision Plat consisting of seven (7) lots on 0.33 net acres.

**DOCUMENT NAME:** [20050324dsd2k08.pdf](#) PLANNED DEVELOPMENT (0406)

27. Request for an Amended Final Subdivision Plat by BROWN RANCH consisting of one lot at 11802 South Rural Road.

**COMMENTS:** (Nathan Painter / Wesley & Alicia Brown, property owners)

(CC040108) #SBD-2005.17 for an Amended Final Subdivision Plat consisting of one (1) lot on 1.65 net acres.

**DOCUMENT NAME:** [20050324dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*28. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for Seven Springs Enterprises, Inc., dba Apache Food and Fuel, at 1734 E. Apache Boulevard.

**COMMENTS:** Randy Nations, Agent

**DOCUMENT NAME:** [20050324LIQ1.pdf](#) **LIQ LIC (0210-02)**

- \*29. This is a public hearing to recommend the approval of a Series 6 Bar Liquor License for Sunven Entertainment Group, Inc., dba The Marquee Theater, at 730 N. Mill Avenue.

**COMMENTS:** H. J. Lewkowiz, Agent

**DOCUMENT NAME:** [20050324LIQ2.pdf](#) **LIQ LIC (0210-02)**

- \*30. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for ANP Enterprises, LLC, dba Arco AM/PM, at 550 W. Elliot Road.

**COMMENTS:** Piyush C. Mehta, Agent

**DOCUMENT NAME:** [20050324LIQ3.pdf](#) **LIQ LIC (0210-02)**

**B. Award of Bids/Contracts**

31. Request approval to utilize a one-year Mesa Public Schools contract with Sun Ports International, Inc., for steel ramadas and fabric shade structures.

**COMMENTS:** Total cost of this contract shall not exceed \$68,000 during the initial contract period.

**DOCUMENT NAME:** [20050324fslq01.pdf](#) **PURCHASES (1004-01) #22-154MB**

32. Request approval to utilize a one-year State of Arizona contract with Courtesy Chevrolet for the purchase of one van for the Water Utilities Department Environmental Division.

**COMMENTS:** Total cost of this contract shall not exceed \$25,509 during the initial contract period. To be used as a sewer and storm drain sampling vehicle.

**DOCUMENT NAME:** [20050324fsdl02.pdf](#) **PURCHASES (1004-01) #AD040004-002**

33. Request approval to utilize a one-year State of Arizona contract with Midway Chevrolet for a bus stop maintenance vehicle.

**COMMENTS:** Total cost of this contract shall not exceed \$34,047 during the initial contract period.

**DOCUMENT NAME:** [20050324fsdl03.pdf](#) **PURCHASES (1004-01)**  
#AD040004-001

34. Request approval of a one-year contract renewal with Office Depot for office supplies.

**COMMENTS:** Total amount shall not exceed \$413,100.

**DOCUMENT NAME:** [20050324fsdl05.pdf](#) **PURCHASES (1004-01)**  
#TUSC41421-01

35. Request approval of a one-year contract renewal with ACS State and Local Solutions for the Photo Radar Enforcement Program.

**COMMENTS:** Total amount shall not exceed \$475,000.

**DOCUMENT NAME:** [20050324fsdl06.pdf](#) **PURCHASES (1004-01)** #T02-042-01

36. Request to award a one-year sole source contract with PADCOM, Inc., for Total Roam software seamless wireless functionality and enhanced data security for the Police Department.

**COMMENTS:** Subject to execution of the final written contract. Total cost for this contract shall not exceed \$126,640 during the contract period.

**DOCUMENT NAME:** [20050324fsts07.pdf](#) **PURCHASES (1004-01)** #05-119

37. Request approval a one-year contract renewal with Aerotech Laboratories, Inc., Aquatic Consulting & Testing, Inc., Del Mar Analytical, Legend Technical Services, MWH Laboratories, and Transwest Geochem, Inc., for laboratory analysis services.

**COMMENTS:** Total amount of the contract shall not exceed \$457,000.

**DOCUMENT NAME:** [20050324fsts08.pdf](#) **PURCHASES (1004-01)** #T02-037-01, 02, 03, 04, 05, 06

38. Request approval a one-year contract renewal with Phoenix Fence Company for fencing rental, repairs, and new fence installations.

**COMMENTS:** Total amount shall not exceed \$130,000.

**DOCUMENT NAME:** [20050324fslq10.pdf](#) **PURCHASES (1004-01)** #T03-121-01

39. Request approval a one-year contract renewal with Pinnacle Risk Management Services for third party claims administration for employee worker's compensation claims.

**COMMENTS:** Total amount shall not exceed \$80,000.

**DOCUMENT NAME:** [20050324fsts11.pdf](#) **PURCHASES (1004-01)** #T00-107-01

40. Request approval to utilize a Western States Contracting Alliance contract with Hewlett Packard for a three-year period with two (2) one-year renewal options for City computer

equipment and related devices, software, development, and consulting services.

**COMMENTS:** Total cost of this contract shall not exceed \$750,000 per year.

**DOCUMENT NAME:** [20050324fsts12.pdf](#) **PURCHASES (1004-01) #A63309**

41. Request approval to increase by \$10,100 the contract amount with KPMG, LLP, for audit services for the City's annual independent audit.

**COMMENTS:** Increase from \$97,500 to \$107,600.

**DOCUMENT NAME:** [20050324fsts13.pdf](#) **PURCHASES (1004-01) #T03-127-01**

42. Request approval of a one-year contract renewal with Hill Brothers Chemical Company for the purchase of liquid bleach.

**COMMENTS:** Total amount shall not exceed \$696,000.

**DOCUMENT NAME:** [20050324fsts14.pdf](#) **PURCHASES (1004-01) #T04-112-01**

43. Request approval of a one-year contract renewal with Ancon Service Company for sewer and lift station cleaning and maintenance.

**COMMENTS:** Total amount shall not exceed \$210,000

**DOCUMENT NAME:** [20050324fsts15.pdf](#) **PURCHASES (1004-01) #WD3-4640-1973**

44. Request approval of a one-year contract renewal with Peoria Pest Control for insecticide painting of manholes to control roaches

**COMMENTS:** Total amount shall not exceed \$154,485.

**DOCUMENT NAME:** [20050324fsts16.pdf](#) **PURCHASES (1004-01) #T02-107-01**

45. Request approval of a construction contract with Southwest Micro Surfacing, LLC, for the 2005-2007 Local Street Renovation/Slurry Seal project.

**COMMENTS:** Subject to execution of the final written contract in an estimated amount not to exceed \$1,357,166.50 (Base Bid).

**DOCUMENT NAME:** [20050324PWMG01.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05 PROJECT NO. 5400742**

46. Request approval of a professional services contract with Willdan for the design of six bus bay pull outs.

**COMMENTS:** Subject to execution of the final written contract. Total amount shall not exceed \$41,748.

**DOCUMENT NAME:** [20050324PWTG02.pdf](#) **PUBLIC TRANSIT (1106) PROJECT NO. 60-976764**

47. Request approval of a \$339,344 increase in the construction contract with Archon, Inc., for work performed during the extension of Miller Road.

COMMENTS: Increase from \$4,470,987 to \$4,810,331.

DOCUMENT NAME: [20050324PWTG03.pdf](#) MILLER ROAD I.D. 179 (0805-79) PROJECT NO. 5101241

48. Request approval of a professional services contract with Malcolm Pirnie, Inc., for the Wastewater Master Plan Update.

COMMENTS: Subject to execution of the final written contract. Total amount shall not exceed \$430,100.

DOCUMENT NAME: [20050324PWTG06.pdf](#) WATER MASTER PLAN (0811-14) PROJECT NO. 3200591

49. Request approval of a Construction Manager at Risk Construction Services contract with Achen-Gardner Engineering, LLC, and a contingency allowance of \$200,000 for change orders for the Rural-Lemon-Terrace Water and Sewer Improvements. Also, request approval of a professional services contract with C. Williams Construction Engineering, Inc., for construction management services for the same project.

COMMENTS: Subject to execution of the final written contracts. Construction Manager at Risk Construction Services contract for a Guaranteed Maximum Price (GMP) of \$2,084,802; Professional Services Contract for an amount not to exceed \$117,040.

DOCUMENT NAME: [20050324PWMG07.pdf](#) WASTEWATER MANAGEMENT ADMIN (0812-01) PROJECT NO. 3201661

- 49a. Request approval of a Construction Manager at Risk Construction Services contract with Moline Construction Company for the Diablo Stadium Complex Improvements, Phase I.**

**COMMENTS: Subject to execution of the final written contract for a Guaranteed Maximum Price (GMP) of \$201,065.**

**DOCUMENT NAME: [20050324PWTG09.pdf](#) DIABLO STADIUM (0706-12) PROJECT NO. 6301781**

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- \*50. This is the **introduction and first public hearing** to authorize the Mayor to execute the Real Estate Purchase Agreement for Lot 3 at the Boardwalk Development Project at Tempe Town Lake between the City of Tempe and Playa Del Norte, LLC. **The second public hearing is set for April 7, 2005.**

DOCUMENT NAME: [20050324dsca01.pdf](#) RIO SALADO MASTER PLAN

(0112-07-03) ORDINANCE NO. 2005.14.

- \*51. This is the **introduction and first public hearing** to authorize the Mayor to execute the Real Estate Purchase Agreement for Lot 6 at the Boardwalk Development Project at Tempe Town Lake between the City of Tempe and Playa Del Norte, LLC. **The second public hearing is set for April 7, 2005.**

DOCUMENT NAME: [20050324dsca02.pdf](#) RIO SALADO MASTER PLAN  
(0112-07-03) ORDINANCE NO. 2005.15.

- \*52. This is the **introduction and first public hearing** to amend Chapter 2, Article III, of the Tempe City Code, relating to the establishment of the Community Development Department; amending Section 2-134 relating to the Development Services Department; and repealing Section 2-135 relating to the Economic Development Department. **The second public hearing is set for April 7, 2005**

DOCUMENT NAME: [20050324cacc01.pdf](#) TCC CH 2 - CITY CODE  
ADMINISTRATION (0503-02) ORDINANCE NO. 2005.18

- \*53. This is the **introduction and first public hearing** for an ordinance abandoning a public utility easement and portions of a non-vehicular access easement at the Park Lane development site, 2323 W. University Drive. **The second public hearing is set for April 7, 2005.**

DOCUMENT NAME: [20050324PWMG04.pdf](#) ABANDONMENT (0904-02)  
ORDINANCE NO. 2005.09

- \*54. This is the **introduction and first public hearing** for an ordinance abandoning portions of a waterline easement at 1305 W 23<sup>rd</sup> Street. **The second public hearing is set for April 7, 2005**

DOCUMENT NAME: [20050324PWMG05.pdf](#) ABANDONMENT (0904-02)  
ORDINANCE NO. 2005.10

- \*55. This is the **introduction and first public hearing** for an ordinance granting an Irrigation Easement to Salt River Project (SRP) for an irrigation pipe relocation associated with the Millstone development at 330 S. Farmer Avenue and 305 S. Wilson Street. **The second public hearing is set for April 7, 2005.**

DOCUMENT NAME: [20050324PWMG08.pdf](#) EASEMENTS (0904-02)  
ORDINANCE NO. 2005.13

- q-j \*56. This is the **introduction and first public hearing** for the VILLAGIO AT TEMPE for a site plan including three (3) variances at 2401 East Rio Salado Parkway. **The second public hearing is set for April 7, 2005.**

**COMMENTS:** (D.R. Horton, property owners) (CC050006) #SIP-2005.27 for a Site Plan consisting of 252 two-bedroom (1,936 s.f. each) and 124 three-bedroom (2,149 s.f. each), townhomes and 366 triplex units, models "A", "B", and "C" (4,986 s.f. for each triplex) for a total of 742 residential units on 45.46 net acres, including the following:

Variances:

1. Waive the requirement for courtyard separation between buildings.
2. Waive the requirement of recreational vehicle parking spaces (RV's).
3. Reduce the minimum required bicycle parking spaces from 371 to 30 spaces.

**DOCUMENT NAME:** [20050324dspd2k05.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*57. This is the **introduction and first public hearing** for a Zoning Map Amendment, a Horizontal Regime (Condominium Map) and a Planned Area Development Overlay, for DORSEY PLACE at 1275 East University Drive. **The second public hearing is set for April 7, 2005.**

**COMMENTS:** (William Bannister, property owner) (CC040080), consisting of a four-story mixed-used building including residential and office/retail space on 1.95 net acres, including the following:

#ZON-2005.01, Ordinance No. 2005.04 for a zoning map amendment from R-4, Multi-Family Residential General, to MU-4, Mixed-Use Commercial and Residential on 1.95 gross acres, pursuant to Section 2-106 of the Zoning & Development Code.

#SPD-2005.11 for a Planned Area Development Overlay with 91 residential condominium units and 7,000 s.f. of office/retail condominium space.

#SHR-2005.28 for a Horizontal Regime (Condominium Map) consisting of 91 residential condominium units and 7 office/retail condominium units

**DOCUMENT NAME:** [20050324dspd2k04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*58. This is the **introduction and first public hearing** for a Zoning Map Amendment, Planned Area Development Overlay and a Horizontal Regime (Condominium Map) for TEMPE PLACE at 5454 South Beck Avenue. **The second public hearing is set for April 7, 2005.**

**COMMENTS:** (Reliance Trust Co., property owner) (CC040109) consisting of four mixed-use buildings, each four-stories tall, including residential and commercial space on 3.49 net acres, including the following:

#ZON-2005.03 Ordinance No. 2005.06 for a zoning map amendment from GID, General Industrial District to MU-3, Mixed-Use Medium-High Density District.

#SPD-2005.25 for a Planned Area Development Overlay with 75 residential condominium units and 4,479 s.f. of condominium office/retail space.

#SHR-2005.26 for a Horizontal Regime (Condominium Map) consisting of 75 residential condominium units and 22 office/retail condominium units.

**DOCUMENT NAME:** [20050324dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

D. Ordinances and Items for Second Hearing/Final Adoption

- \*59. This is the **second public hearing** for CLUB RIO for a Site Plan and change of ownership for an existing bar at 430 North Scottsdale Road.

**COMMENTS:** (Premier Bar Consulting, business owner/Newest Tempe Town Lake LLC, property owner) #SIP-2005.20 for a Site Plan approval and a change of ownership for an existing bar consisting of 16,793 s.f., including a mezzanine, on 8.93 net acres, including the following:

Use Permit:

1. To allow a 16,793 ft. bar, including a mezzanine, in the I-2, General Industrial Zoning District.
2. To allow live entertainment in the I-2, General Industrial Zoning District.
3. To allow 12,260 s.f. outdoor dining in the I-2, General Industrial Zoning District

**DOCUMENT NAME:** [20050324dssl07.pdf](#) **PLANNED DEVELOPMENT (0406)**

E. Resolutions

60. Request approval of a resolution for an Intergovernmental Agreement with the State of Arizona for the City to perform landscape maintenance to the alley-side of the sound wall on U.S. 60 between Mill Avenue and McClintock Road.

**DOCUMENT NAME:** [20050324pwon01.pdf](#) **ARIZONA DEPARTMENT OF TRANSPORTATION (0107-01) RESOLUTION NO. 2005.09**

- \*61. This is a public hearing to obtain citizen comment and request approval of a resolution adopting the City of Tempe Housing Authority's Annual Plan for Fiscal Year 2005-2006 and 5-Year Plan for Fiscal Years 2005-2009.

**DOCUMENT NAME:** [20050324cdlc.pdf](#) **HOUSING ASSISTANCE PLAN 2005 - 2006 (0408-09) RESOLUTION NO. 2005.11**

62. Request approval of a resolution for a non-recurring police officer (detective) position for a minimum of two years, using Racketeer Influenced and Corrupt Organization Act (RICO) funds.

**COMMENTS:** This position will backfill a detective position that is vacant due to the assignment of one detective to the Joint Terrorism Task Force (JTTF).

**DOCUMENT NAME:** [20050324pdkm01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02) RESOLUTION NO. 2005.12**

6. **PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per

speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

## 7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

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Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)**